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Attorney for: Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP  
fka Countrywide Home Loans Servicing LP, its assignees and/or successors

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP, its assignees and/or successors, (“Bank of America”) in the above-entitled Bankruptcy proceeding, hereby submits the following Objections to Confirmation of the Chapter 13 Plan proposed by (“Debtor”) Suratvadee Roungpet.

1. Bank of America services and is entitled to receive payments pursuant to a Promissory Note which matures on 4/1/2019 and is secured by a Deed of Trust on the subject property commonly known as 1394 October Oak Avenue, Las Vegas, NV 89123. As of 10/6/2011, the amount in default was \$85,733.32. A Proof of Claim in this amount shall be filed shortly.

2. The proposed Plan does not provide for the arrearages owed to Bank of America. To cure the pre-petition arrearages of \$85,733.32 over the term of the Plan within 60 months, Bank of America would have to receive a minimum payment of \$1,428.89 per month from the Debtor through the Plan.

3. However, the proposed Plan appears to attempt to cram-down the claim of Bank of America by scheduling or providing for a total claim to Bank of America in the amount of \$120,000.00 (on a value of \$250,000.00).

4. First, bank of America objects to confirmation of the Plan without a formal motion to value the Property and an opportunity to object. Second, there appears to be an error in the Debtor's calculations in Section 2.13 of the Plan. Therefore, the Plan cannot be confirmed.

5. Finally, Bank of America's claim is secured by the first lien on the Debtor's principal residence and therefore is not subject to valuation under 11 U.S.C. 1322(b)(2).

## **CONCLUSION**

Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the Objections specified above in order to be reasonable and to comply with applicable provisions of the Bankruptcy Code. Bank of America respectfully requests that confirmation of the Chapter 13 Plan as proposed by the Debtor be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Bank of America.

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1 WHEREFORE, Bank of America prays as follows:

2 1. That confirmation of the Proposed Chapter 13 Plan be denied, or in the  
3 alternative, be amended to provide for full payoff of the arrearages owed to Bank of America  
4 within 60 months;

5 2. That confirmation be denied because the Property is not eligible for cramdown as  
6 a principal residence;

7 3. That no Plan be confirmed without an Order valuing the Property following a  
8 separate motion;

9 4. For attorneys' fees and costs herein,

10 5. For such other relief as this Court deems proper.

11 Respectfully submitted,

12 McCarthy & Holthus, LLP

13 12/1/2011

14 By: /s/ Christopher K. Lezak, Esq.  
15 Christopher K. Lezak, Esq.  
16 Attorney for Bank of America, N.A.,  
17 successor by merger to BAC Home  
18 Loans Servicing, LP fka Countrywide  
19 Home Loans Servicing LP